MONTHLY HIGHLIGHTS

NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION

April 2004

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

IMPLEMENTATION OF HABITAT CLOSED AREAS IN NEW ENGLAND

Effective May 1, 2004, The New England Fishery Management Council and NOAA Fisheries have implemented a series of habitat closed areas within the Gulf of Maine, Georges Bank, and Southern New England for the protection of essential fish habitat (EFH). A component of Amendment 13 to the Northeast Multispecies Fishery Management Plan, the habitat closed areas comprise part of a strategy for protecting EFH from adverse impacts associated with the gear used in the groundfish and scallop fisheries. The other components of the strategy include fishing effort reductions and gear modifications which further lessen impacts on sea floor habitats. The Magnuson-Stevens Fishery Conservation and Management Act requires that all fishery management plans minimize, to the extent practicable, the adverse effects of fishing on EFH. An evaluation of fishing gear used in the Northeast Region showed that bottom-tending mobile gear (e.g., otter trawls, scallop dredges, and hydraulic clam dredges) pose the greatest threat to habitats associated with the sea floor. This is particularly true in areas containing rocks, boulder piles, and bottom structure forming organisms such as sponges, anemones, amphipod tubes, etc.

The habitat area closures incorporate 2,811 square nautical miles of the continental shelf and include areas in the Western Gulf of Maine, Cashes Ledge, Jeffrey's Ledge, two areas on Georges Bank including the Habitat Area of Particular Concern for juvenile cod, and one area within the Nantucket Shoals and Lightship Area. These areas are now prohibited to all bottom-tending mobile gear. These habitat closures provide for significant protections to EFH (e.g., protects 15% and 10% of the juvenile cod and juvenile haddock EFH, respectively), and are the first of several actions being considered by the New England Fishery Management Council and NOAA Fisheries. **(Lou.Chiarella@noaa.gov, 978/ 281-9277)**

FISH FRIENDLY STREAM CROSSINGS IN MAINE

The Maine Department of Transportation (MDOT) developed a fish passage policy and stream crossing design guide in 2002. These documents have been used to enhance fish passage at existing stream crossings, particularly culverts, and maintain passage at new crossings. Stream

crossings, culverts in particular, can obstruct fish passage in several ways. Common problems included reduced water depth within the culvert, increased flow velocity over extended distances, accumulation of debris on the upstream opening, and improper placement such that the culvert opening is perched above the stream bed. Development of the fish passage policy and stream crossing design guides were a pro-active step by the MDOT to address these environmental issues, and possibly streamline permitting where possible. One stated goal of the policy is to maintain or replicate natural stream channel and/or flow conditions. This includes the use of best management practices (maintaining natural stream elevation, embedding the bottom of the culvert, and mitigation measures such as baffles and step pools) to maintain appropriate flows and water depth. In coordination with state and federal resource agencies, the MDOT is currently revising those documents based on experience over the past two years. A draft of the new documents is currently in review and the MDOT wants to have them finalized for this year's low flow construction season. **(sean.mcdermott@noaa.gov, 978/ 281-9113)**

MAKING PIER RAMP FLOAT PROJECTS ENVIRONMENTALLY SENSITIVE

Between March and April, 93 projects were reviewed through the Army Corps of Engineers (ACOE) at the regular joint processing meeting. Of these, 57 were either floats or pier-ramp-float projects. The need for construction alternatives to offset the associated cumulative impacts resulting from piers is clear. As more piers are proposed, all the good spots will be gone and what will be left are structures proposed in locations previously unusable. Although standards have been established for construction over salt marsh and eelgrass, placement of structures on mudflats have not been addressed in Maine. NOAA Fisheries is working with the ACOE project managers in the Maine field office to develop criteria for using alternative construction designs which help avoid and minimize these impacts. In addition, the Maine Department of Environmental Protection is looking to revise their guidelines for construction of waterfront facilities (piers in particular). **(sean.mcdermott@noaa.gov, 978/ 281-9113)**

MULTI-MODULAR MARINE TRANSPORTATION FACILITY PROPOSED

The MDOT and the City of Portland have proposed a multi-modular marine transportation facility in Portland Harbor, Portland, ME. A public notice for the Ocean Gateway project was issued on April 20. The project includes rehabilitation of the former Bath Iron Works site. Work includes development of two ship berths, expanding the existing state pier, construction of new buildings on the upland site with associated infrastructure improvements. Expansion of the pier includes filling of intertidal habitat designated EFH for a variety of finfish, including Atlantic cod and winter flounder. As a second part of the overall project, improvements are planned for the Casco Bay Island Transportation District facility. These improvements are still being developed. Comments are due to the ACOE by May 20. NOAA Fisheries will provide conservation recommendations based on our review. **(sean.mcdermott@noaa.gov, 978/ 281-9113)**

WELLS HARBOR MAINTENANCE DREDGING PROPOSED

The ACOE Civil Works Division has issued a public notice for the maintenance dredging of the Wells Harbor Federal Navigation Project, Wells, Maine. The proposed work includes removing approximately 10,000 cubic yards of material from the 8-foot deep entrance channel and portions of the settling basin. Dredged materials will be placed in a previously used area south of the dredge site. Work is proposed for late spring or early summer and is expected to last one week.

Because Wells Harbor is designated EFH for several federally managed species such as winter flounder, NOAA Fisheries will likely develop conservation recommendations for the project. Additional information is currently needed pertaining to current depths and the proposed dredge footprint to ensure areas at the authorized depth are not part of the proposed work, thereby reducing overall impacts on EFH. **(sean.mcdermott@noaa.gov, 978/ 281-9113)**

DREDGING OF INTERTIDAL HABITAT PROPOSED

An application to the ACOE was submitted by the Yachtsman Lodge and marina to dredge around the existing floats and boat slips. The project includes dredging of intertidal habitat. Shallow water and intertidal habitat are often lost to coastal development, which results in fill of tidelands or deepening for boat access. As such, this narrow zone of habitat needs protection. This application was elevated to the individual permit review level and a public notice issued (May 4, 2004). Based on the initial review, there appear to be alternatives to the proposed dredge footprint which can avoid intertidal impacts and minimize impacts on shallow water habitat. **(sean.mcdermott@noaa.gov, 978/ 281-9113)**

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

NEW JERSEY SHELLFISH SURVEY GUIDELINES

HCD Staff at Sandy Hook, staff from the James J. Howard Lab, and the State of New Jersey are working on revising *New Jersey's Shellfish Survey Guidelines* (Lockwood, 1991) used by applicants and consultants to evaluate the presence of shellfish beds at sites not already mapped by the State of New Jersey. The original guidelines were developed by HCD staff in the early 1990's with the assistance of the state and the Northeast Fisheries Science Center. The planned update will clarify the methodologies recommended in the original document and provide more specific instructions survey design, implementation, and the presentation of the results. **(Karen.Greene@noaa.gov, 732/ 872-3023)**

DREDGED MATERIAL DECONTAMINATION DEMONSTRATION PROJECTS

The New Jersey Office of Maritime Resources and the US EPA are working to initiate demonstration projects for several types of dredged material decontamination and processing. A potential site for the facility is located on the Raritan River at an existing recycling facility. This site does not currently have berthing facilities and the construction of temporary facilities for the demonstration project may have an adverse effect on resources of concern to NOAA Fisheries. HCD staff attended a site visit and interagency meeting to discuss the proposal and the planned state and federal applications. At the meeting, the sequence of avoidance, minimization, and compensatory mitigation for unavoidable impacts as well as the need for an EFH assessment was discussed. We anticipate additional coordination with the state and federal agencies as the applications for the project are finalized. The applicants hope to have the facility running sometime this summer. **(Karen.Greene@noaa.gov, 732/ 872-3023)**

BARNEGAT BAY ESTUARY PROGRAM

This month's Management Committee (MC) meeting focused on the program's budget for the next fiscal year. Prior to the meeting, the Scientific and Technical Advisory Committee (STAC)

presented the MC with several proposals for funding this year. After discussing the available funding and the needs of the program to fulfill the Comprehensive Conservation and Management Plan, the MC finalized the recommended budget for the Policy Committee's approval. The Ocean County Utilities Authority (OCUA) gave a very interesting presentation on their ongoing feasibility study to the reuse wastewater. The OCUA is investigating several potential options that may be economically viable in portions of the county. **(Karen.Greene@noaa.gov, 732/ 872-3023)**

SCHUYLKILL RIVER PARK PROJECT

Habitat staff reviewed the draft environmental assessment for the Schuylkill River Park (SRP) project (Phase III) located in Center City Philadelphia, PA, between the Schuylkill River's eastern bank and the CSX rail line from Vine Street to the Locust Street terminus, a distance of about two miles. The overall design, landscaping, and plantings are designed to use the river corridor as a more natural recreational resource for the region and for local neighborhoods. Phase III will divide the park into three sections from north to south: the Crescent, the Urban Core, and the River Park. Phase I replaced bulkheads between Arch and Locust Streets and was completed in 1997. Phase II constructed a 5,800 foot trail from the Philadelphia Art Museum to Locust Street with access ramps and stairs to SRP from Market and Chestnut Streets and was completed in 2003. Habitat staff concurs with the finding of no significant impact for the project. **(Anita.Riportella@noaa.gov, 732/ 872-3116)**

PHILADELPHIA INTERNATIONAL AIRPORT, RUNWAY 17-35 EXTENSION PROJECT

Habitat staff has reviewed the Alternatives Analysis (AA) for the extension of runways 17 and 35 at the Philadelphia International Airport. This project was selected as one of 13 transportation projects receiving federal priority for coordinated environment review (streamlining) under Executive Order 13274, "Environmental Stewardship and Transportation Infrastructure Project Review." The AA presented an evaluation of on and off airport alternatives to demonstrate their ability to meet the project purpose and need, and to demonstrate if they are reasonable and feasible to implement. **(Anita.Riportella@noaa.gov, 732/ 872-3116)**

ASIAN OYSTERS IN CHESAPEAKE BAY

Habitat staff, with assistance from HQ, the Chesapeake Bay Office, and the Oxford Cooperative Laboratory, reviewed a proposal by the Virginia Seafood Council (VSC) to revise the existing Department of the Army (Norfolk District) permit which allows the monitored, experimental introduction of sterile Suminoe oysters (*Crassostrea ariakensis*) into ten select aquaculture locations in Chesapeake Bay. The existing permit allows the introduced oysters to remain in these waters no longer than June 30, 2004. This condition was included in the permit because of recommendations from relevant oyster experts who were concerned that a sufficient number of sterile oysters would revert to a fertile stage and produce enough progeny to establish a viable population of these non-native oysters. The VSC requests that the permit be revised to allow the oysters to remain at the aquaculture sites until April 2005. NOAA Fisheries, Northeast Region, submitted a letter to the Norfolk District recommending that the permit extension not be issued. However, HCD staff continues to meet with other agencies and with other segments within NOAA to determine if conditions at the aquaculture sites can be monitored or revised to allow the permit extension. **(Stanley.W.Gorski@noaa.gov, 732/ 872-3037)**

MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460

LNG TERMINAL UPDATE

Weavers Cove Energy, LLC is proposing to develop a liquefied natural gas import terminal on an approximately 73-acre brownfield site located on the Taunton River in the City of Fall River, Massachusetts. The proposed Weavers Cove facilities are under the jurisdiction of the Federal Energy Regulatory Commission pursuant to the Natural Gas Act. In addition to the construction of the terminal itself, a variety of in-water activities are proposed. In particular, dredging of the Mount Hope Bay Federal Navigation Project (channel and turning basin), installation of the Mill River Pipeline, LLC (including its Taunton River crossing), and construction of docks and shoreline stabilization are contemplated. In all, the applicant proposes to dredge between 2.1 and 2.5 million cubic yards of sediment from the Mount Hope Bay-Fall River Harbor federal channel, of which up to 230,000 cubic yards would be extracted from Rhode Island waters and the balance from Massachusetts waters. Disposal of the sediments would take place at the proposed terminal site as stabilized and engineered fill. Aquatic habitats within and adjacent to the proposed construction areas support a variety of state and federally managed fishery resources and their forage. In particular, these areas have been designated as EFH for a variety of species and life stages under the Magnuson-Stevens Fishery Conservation and Management Act. HCD continues their cooperating agency coordination roll on the project and has provided comments on the DEIS. **(Michael.Ludwig@noaa.gov, 203/ 882-6504; or Christopher.Boelke@noaa.gov, 978/ 281-9131)**

CROSS HARBOR FREIGHT MOVEMENT PROJECT UPDATE

The New York City Economic Development Corporation continues to move forward with planning a subaqueous tunnel across New York Harbor that would provide new access for freight trains from the west side of the Hudson River to existing and planned freight handling facilities on the New York side. The Federal Railroad Administration and the Federal Highways Administration recently issued a draft environmental impact assessment for this project pursuant to the National Environmental Policy Act. Staff from the Milford and Sandy Hook Habitat Conservation Division field offices and the Protected Resources Division will review and comment on this document. **(Diane.Rusanowsky@noaa.gov, 203/ 882-7504; Karen.Greene@noaa.gov, 732/ 872-3023; Julie.Crocker@noaa.gov, 978/ 281-9328 x6530)**

BROWNS CREEK AND PATCHOGUE RIVER FEDERAL NAVIGATION PROJECTS

The Operations Division of the New York District, ACOE recently issued public notices and prepared EFH assessments for the subject Federal Navigation Projects. Staff is reviewing these documents and will provide written comments in the coming weeks.
(Diane.Rusanowsky@noaa.gov, 203/ 882-7504)

CENTRAL COOLING PLANT UNDER CONSIDERATION FOR WORLD TRADE CENTER SITE

The Lower Manhattan Development Corporation (LMDC), a subsidiary of the Empire State Development Corporation, has issued a Generic Environmental Impact Statement for the Word Trade Center Memorial and Redevelopment Plan. We are reviewing the available information and preparing comments regarding the project elements that would affect aquatic resources of concern, including fishery resources and EFH. In recent weeks, this project has been receiving a

great deal of attention in the New York Metropolitan Area. **(Diane.Rusanowsky@noaa.gov, 203/ 882-7504)**

NEW YORK CITY TO INVESTIGATE POTENTIAL POTABLE WATER SOURCE UPSTATE

The New York City Department of Environmental Protection proposes to investigate the feasibility of withdrawing water from the aquifer beneath the bed of the Hudson River as a potential water source. They propose to drill up to ten test borings to determine the location for three test wells and their associated observation wells in the Hudson River near Newburgh, New York. These temporary facilities are requested to assess the feasibility for water withdrawal at this general vicinity. The project proponents have been notified that the proposed investigation and potential subsequent well construction require consultation pursuant to the EFH portion of the Magnuson-Stevens Fishery Conservation and Management Act and under Section 7 of the Endangered Species Act. Habitat Conservation Division staff at the Milford field office will be responsible for the EFH review, and ESA matters will be addressed by the Protected Resources Division. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654

INDIAN RIVER INLET BRIDGE

The current bridge spanning the Indian River Inlet through the Fenwick Island barrier beach in Delaware is more than 40 years old. Strong tidal currents have scoured the substrate surrounding the supporting piles to more than 100 feet below mean low water threatening the structural integrity of the bridge. Bridge replacement will result in impacts on adjacent tidal waters and wetlands which provide habitat for substantial numbers of living marine resources, including approximately 20 species managed under the Magnuson-Stevens Act. Through their concerted efforts to avoid and minimize impacts on tidal habitats, stakeholders have reduced impacts to 3.6 acres of vegetated wetlands and 0.5 acres of open water. Development of a comprehensive compensatory mitigation plan is being coordinated with state and federal resource and regulatory agencies. **(Tim.Goodger@noaa.gov, 410/ 226-5606)**

PEPPER CREEK

Pepper Creek is a proposed 282-unit residential development along a tidal tributary of Indian River in Sussex County, Delaware. The project includes stabilization of nearly a mile of eroding shoreline. The erosion control plan involves hardening of the shoreline by filling and armoring. Although marsh restoration is included as an element of the stabilization plan, the wetlands will be sequestered behind a stone revetment which allows only minimal exchange with the estuary. Coordination continues to develop an erosion control plan that will reduce habitat impacts and be more conducive to the dynamics of estuarine processes. **(Tim.Goodger@noaa.gov, 410/ 226-5606)**